

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>Ashkenazi et al.</p> <p>Serial No.: Not yet assigned</p> <p>Filed: Herewith</p> <p>For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i></p>	<p>Group Art Unit: Not yet assigned</p> <p>Examiner: Not yet assigned</p>
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PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

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In the claims:

Please cancel Claims 1-38 without prejudice or disclaimer.

Please add new Claims 39-58 as follows.

--39. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity

to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

40. (New) The isolated nucleic acid of Claim 39 having at least 85% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

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(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

41. (New) The isolated nucleic acid of Claim 39 having at least 90% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

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42. (New) The isolated nucleic acid of Claim 39 having at least 95% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

43. (New) The isolated nucleic acid of Claim 39 having at least 99% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

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- (e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

44. (New) An isolated nucleic acid comprising:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

45. (New) The isolated nucleic acid of Claim 44 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339).

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46. (New) The isolated nucleic acid of Claim 44 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide.

47. (New) The isolated nucleic acid of Claim 44 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339).

48. (New) The isolated nucleic acid of Claim 44 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide.

49. (New) The isolated nucleic acid of Claim 44 comprising the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338).

50. (New) The isolated nucleic acid of Claim 44 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338).

51. (New) The isolated nucleic acid of Claim 44 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

52. (New) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

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(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 118 (SEQ ID NO:339), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 117 (SEQ ID NO:338); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 209490.

53. (New) The isolated nucleic acid of Claim 52, wherein said hybridization occurs under stringent conditions.

54. (New) The isolated nucleic acid of Claim 52 which is at least 10 nucleotides in length.

55. (New) A vector comprising the nucleic acid of Claim 39.

56. (New) The vector of Claim 55, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

57. (New) A host cell comprising the vector of Claim 55.

58. (New) The host cell of Claim 57, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

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Applicants respectfully request entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650) 225-4461 if any issues may be resolved in that manner.

Respectfully submitted,

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